

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

RAFIK TADROS,

Plaintiff

v.

KADMON HOLDINGS, INC., et al.,

Defendants

Case No. 2:21-cv-01797-PKC-MMH

**NOTICE OF VOLUNTARY DISMISSAL
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(A)**

Lead Plaintiff Rafik Tadros (“Tadros” or “Plaintiff”), through his undersigned counsel of record, states as follows:

WHEREAS, Tadros filed the initial complaint in this action on April 2, 2021 against Kadmon Holdings, Inc. (“Kadmon”), and certain of its officers and directors;

WHEREAS, on July 1, 2021, the Court entered an order appointing Tadros lead plaintiff;

WHEREAS, Tadros is scheduled to file an amended complaint on or before September 16, 2021, with Defendants’ answers or responsive motions due thereafter (ECF No. 22);

WHEREAS, Plaintiff has not yet amended his complaint, and no Defendant has answered any complaint in this Action or moved for summary judgment;

WHEREAS, under Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff is entitled to dismiss the Action by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment...”; and

WHEREAS, no class has been certified and no motion for class certification has been filed, and the voluntary dismissal of Plaintiff's claims against Defendants will not bind absent class members;

THEREFORE, Plaintiff, through his undersigned counsel, hereby dismisses the Action without prejudice, with all parties to bear their own costs and fees.

Dated: July 22, 2021

POMERANTZ LLP

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Additional Counsel for Rafik Tadros

CERTIFICATE OF SERVICE

I, Joshua B. Silverman, an attorney, do certify that on this date, July 22, 2021, I caused the foregoing **NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(A)** to all counsel of record via ECF.

/s/ Joshua B. Silverman
Joshua B. Silverman